

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DENNIS B. NELSON,

Plaintiff,

v.

Cause No. 17-CV-919

CITY OF LAS VEGAS,

Defendant

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441(a) and 1446(a) and (b), Defendant, by and through its undersigned counsel, Brennan & Sullivan, P.A. (James P. Sullivan and Christina L. G. Brennan), give Notice of Removal to this Court of the civil actions filed in the Fourth Judicial District Court for the State of New Mexico, County of San Miguel, Cause No. D-412-CV-2015-00367 (and Cause No. 412-CV-2016-00269, which was consolidated into the preceding cause), filed by Dennis B. Nelson, and as grounds therefore state:

1. On August 30, 2017, Plaintiff filed an Amended Complaint for Damages (“Amended Complaint”) with the Fourth Judicial District Court, claiming violations of the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201 et seq. A copy of the Amended Complaint is attached hereto as **Exhibit A**.

2. This Notice of Removal is timely as it is filed within ten (10) days of service of the Amended Complaint on August 30, 2017.

3. Defendant, by and through undersigned counsel, consents to the removal of this action.

4. Pursuant to 28 U.S.C. § 1446(d), copies of the Notice of Removal will be promptly given to all adverse parties and a copy of the Notice of Removal will be filed with the Clerk of the Fourth Judicial District Court, County of San Miguel, State of New Mexico.

5. The claims stated against Defendant that are subject to the original jurisdiction of this Court pursuant to 29 U.S.C § 216(b) and 28 U.S.C. § 1331 and § 1343(a) are as follows:

- a. Claim for Relief No. 2, alleging violations of the Fair Labor Standards Act (FLSA). See Exhibit A, Claim for Relief No. 2, p. 9.

6. Federal questions thus appear on the face of Plaintiff's Amended Complaint. The Court also has supplemental jurisdiction over Plaintiff's state law claims throughout the remainder of the Amended Complaint pursuant to 28 U.S.C. § 1367, as these claims are so related to the federal question claims which this Court has original jurisdiction over that they form part of the same case or controversy under Article III of the U.S. Constitution. See Exhibit A, Claims for Relief Nos. 1, 3, 4 and 5.

7. Pursuant to Rule 81.1(a) of the Local Rules of the United States District Court for the District of New Mexico, Defendant will file a Notice of Filing of State Court Record and copies of the pleadings filed in the Fourth Judicial District for the State of New Mexico, County of San Miguel, Cause No. D-412-CV-2016-00367 and Cause No. D-412-CV-2016-0269, within twenty-eight (28) days of filing this Notice of Removal. A Civil Cover Sheet is attached as **Exhibit B**.

Respectfully submitted,

BRENNAN & SULLIVAN, P.A.

By: /s/ Christina L. G. Brennan

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Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this, 8th day of September, 2017, a true and accurate copy of the foregoing was served via email and mail to the following:

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